

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

AVIS HUNT, as Special Administrator)
for the ESTATE OF DAMON LAMONT)
FALLS, deceased,)

Plaintiff,)

vs.)

NO. CIV-12-755-L

(1) DANIEL HERRING, Individually,)
while acting under color of law, as)
an Oklahoma City Police Officer, and)
(2) JACOB COLE, Individually, while)
acting under color of law, as an)
Oklahoma City Police Officer, and)
(3) ZACHARY MILLER, Individually,)
while acting under color of law, as)
an Oklahoma City Police Officer, and)
(4) RAMON CASTRO, Individually,)
while acting under color of law, as)
an Oklahoma City Police Officer, and)
(5) AARON WAKE, Individually, while)
acting under color of law, as an)
Oklahoma City Police Officer, and)
(6) TYLER DUNCAN, Individually,)
while acting under color of law, as)
an Oklahoma City Police Officer, and)
(7) THE CITY OF OKLAHOMA CITY, a)
municipal Corporation,)

Defendant.)



COPY



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1 A I -- yeah, I remember making it. I
2 couldn't tell you what -- what was said.

3 Q I'm not trying to play games with you.

4 A Right.

5 Q I just thought you might want to look at
6 that before you answered any questions. See if
7 that helps you refresh your memory.

8 All right. Have you had an opportunity
9 to review those documents?

10 A Yes.

11 Q Is there anything, after looking at them,
12 that appears to be inaccurate in either document?

13 A No.

14 Q Do you recall this incident?

15 A Vaguely. Like, just reading that brought
16 back more stuff that I had forgot about, though.

17 Q Okay. Why don't you just tell us what
18 you remember about what happened that day as it
19 relates to this.

20 A Well, for the most part, I remember being
21 outside smoking a cigarette and being paged,
22 because we had our phones on our sides whenever
23 we'd go outside; so if the cashiers need us, they'd
24 hit the page button so we'd come back in and help
25 them.

1 I got one of those pages, and I went back
2 in. And she was saying there was a guy that was
3 kind of creeping around. Yeah, he looked kind of
4 creepy. He was wearing a wig and, like, fake beard
5 and stuff.

6 So I called the cops from there. After
7 the phone conversation, the cops ended up showing
8 up. And they tried to go around an aisle to get to
9 him, and that's whenever, like, one of the other
10 ones came and, like, stopped him to where it was,
11 like, right in the middle of the store. And they
12 asked him what he was doing and if he had any
13 weapons on him.

14 Instead of answering, he just completely
15 took off out through the door. And they chased
16 him, and I lost sight of him there.

17 Q Okay. The report indicates that you and
18 apparently your cashier -- that would be Chantal
19 Moore --

20 A Uh-huh.

21 Q -- thought that the suspect was
22 suspicious?

23 A Yes.

24 Q Specifically what was suspicious about
25 him?

1 A The fake beard and the fake wig.

2 Q Do you have a lot of customers coming in
3 in fake beards and fake wigs?

4 A No.

5 Q Does this store, when you worked at this
6 particular Dollar General, did it have a history of
7 problems with robberies or shoplifters?

8 A Shoplifters, indeed. I had to call the
9 cops every day I worked there.

10 Q Okay. In fact, there were shoplifters
11 this particular day, too. Were you aware of that?

12 A Yeah. That's actually what reminded me
13 whenever I read it again. I was like, oh, yeah,
14 that's right.

15 Q Were there any other employees working
16 besides you and Ms. Moore at the time of this
17 incident?

18 A I don't think so.

19 Q How would you describe the traffic in the
20 store when the individual with the fake beard came
21 in?

22 A It was in the process of slowing down
23 after a rush.

24 Q What made you call 911?

25 A Just the whole situation. It looked

1 weird, and better safe than sorry.

2 Q What did you, as the assistant manager of
3 the store, think was up with the suspect? What did
4 you think he was going to do?

5 A I immediately had bad feelings about it
6 and thought he was either going to try and harm us
7 or rob us or something to that effect.

8 Q And you were interviewed at the homicide
9 office that very night right after it happened,
10 weren't you?

11 A Yes.

12 Q Did you see any interaction between
13 Ms. Moore and the suspect?

14 A Just like -- it looked like he was trying
15 to talk to her but she was kind of trying to keep
16 her distance because she was kind of feeling weird
17 about it, too. But other than that, no.

18 I think she had said that he was trying
19 to, like, talk to her and get her to come back to
20 where he was at further towards the back of the
21 store. But other than that, no interactions.

22 Q Did that cause you concern?

23 A Oh, yeah. That doesn't happen. You're
24 not supposed to allow that.

25 Q And what is the concern specifically? I